

**UNITED STATE BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

MEDIATION REGISTER INFORMATION FOR HOWARD B. KLEINBERG, ESQ.

APRIL 26, 2004

HOWARD B. KLEINBERG, ESQ.
MEYER, SUOZZI, ENGLISH & KLEIN, P.C.
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MINEOLA, NEW YORK 11501

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I. PROFESSION: Attorney

Admitted: Bar of the State of New York 1990
Bar of the State of Connecticut 2000
United States District and Bankruptcy Courts
Southern and Eastern Districts of New York
1991
United State District and Bankruptcy Courts
State of Connecticut 2000

II. PROFESSIONAL ORGANIZATIONS:

Turnaround Management Association --Active
American Bankruptcy Institute --Active
American Bar Association -- Active
New York State Bar Association --Active

III. GENERAL PROFESSIONAL EXPERIENCE:

Broad bankruptcy and commercial litigation practice including representation of secured mortgage lenders, banks, cable television and real estate companies in bankruptcy, work-out and bankruptcy litigation matters; technology, manufacturing, health care and industrial supply companies in commercial litigation in

state, federal and alternative dispute resolution forums; chapter 7 trustees and individuals in chapter 7 proceedings and related litigation.

IV. EXPERIENCE AND FAMILIARITY WITH BANKRUPTCY LAW:

High level of expertise and experience in bankruptcy; served as a law clerk to a Bankruptcy Judge in the Eastern District of New York and has over 10 years experience practicing in all phases of bankruptcy and bankruptcy litigation.

MEYER SUOZZI ENGLISH & KLEIN, P.C, Mineola, New York, 2003 to present. *Partner*, Bankruptcy, Bankruptcy Litigation, Creditor's rights and Commercial Litigation.

RIVKIN, RADLER LLP, Uniondale, New York, 1999 to 2003, *Partner*, Bankruptcy and Commercial Litigation

SHAW, LICITRA, ESERNIO & SCHWARTZ, P.C., Garden City, New York 1995 to 1999. *Partner, Bankruptcy Department*

MOSES & SINGER, New York, New York, 1991-1995.
Associate, Bankruptcy Department:

V. MEDIATION TRAINING:

- (i) Basic Mediation Training sponsored by the Association of the Bar of the City of New York;
- (ii) Professor Carol Liebman, Columbia University School of Law and David Ross JAMS;
- (iii) Association of the Bar of the City of New York;
- (iv) November 3, 4, 10, 11, 2003;
- (V) 30.5 credit hours.

VI. MEDIATION EXPERIENCE: Representation of clients in approximately 25 mediations substantially all involving commercial bankruptcy. Mediation training program sponsored by the Association of the Bar of the City of New York.

VII. AREAS OF EXPERTISE: Chapter 11 bankruptcy, bankruptcy litigation, creditors' rights and litigation, out of court restructurings and workouts, commercial litigation.

VIII. GENERAL PERTINENT BUSINESS OR LEGAL EXPERIENCE:

Carabetta Enterprises, Inc.: Lead attorney representing real estate company, affiliates and sole shareholder in one of the largest chapter 11

cases filed in the District of Connecticut. Confirmed three reorganization plans which, collectively, restructured approximately \$63.5 million in secured claims and \$100 million in unsecured claims. Under the plans, client retained full ownership and control of their business.

Value Added Communications: Represented the County of Nassau in Texas chapter 11 case where debtor assumed and assigned contract to provide telecommunications services to County. County received full payment of contract arrearage.

Bradlees Stores, Inc.: Represented real estate owner/developer of Nassau County shopping plaza regarding assumption/rejection of lease by debtor Bradlees.

Woodward & Lothrop, Inc.: Represented real estate owner/developer of Westchester County, New York shopping mall regarding sale of debtor's retail store lease to competing retailers.

Rodolitz: Represented individual real estate owner/developer in chapter 11 proceeding resulting in confirmation of reorganization plans under which client retained ownership of substantial real estate assets.

Standard Steel Sections, Inc.: Represented trustees of decedent's estates in connection with \$6 million unsecured claim against debtor. Successfully prosecuted contested motion to oust management of the debtor in favor of chapter 11 trustee. Personally conducted five day trial before Bankruptcy Judge Hardin, in White Plains, New York.

Bowling Green Partners: Representation of real estate owner in out-of-court restructuring with first and second priority secured lenders.

Kamine/Besicorp., L.P.: Representation of New York State Public Service Commission in chapter 11 case of independent power producer.

Forum Group, Inc.: Lead associate in representation of Creditors' Committee. After settlement of trustee motion resulting in resignation of senior management, stock-for-debt plan confirmed restructuring approximately \$125 million in subordinated notes and debentures. Committee members took control of board of directors of reorganized company.

Northway Associates, L.P.: Associate on team representing Creditors' Committee in restructuring of owner of regional shopping mall in Anchorage, Alaska. Plan confirmed providing for cash distribution and equity participation for unsecured creditors.

Circle K Corporation: Associate on team representing purchaser of Circle K out of bankruptcy.

Jamesway Corporation: Representation of indenture trustee on Creditors' Committee.

Vanguard Meter Service, Inc.: Representation of Creditors' Committee for former New York City water meter installation contractor. Recovery sought via prosecution of \$10 million breach of contract action against City of New York. Agreement in principle reached on consensual plan after committee filed creditor plan.

McCrorry Corporation: Representation of indenture trustee on Creditors' Committee. Successful defense of Debtor's attempt to discharge prematurely indenture trustee's claim.

NVF Corporation: Representation of indenture trustee on Creditors' Committee.

Hamilton Park Associates: Representation of secured lender. Obtained termination of stay approximately 6 months after commencement of case.

IX. OTHER PERTINENT INFORMATION:

HONORABLE MARVIN A. HOLLAND, JUDGE, UNITED STATES BANKRUPTCY COURT, EASTERN DISTRICT OF NEW YORK, 1989-1991. *Judicial Law Clerk:*

HOFSTRA UNIVERSITY SCHOOL OF LAW, Hempstead, New York. J.D., June, 1989; J.D. With Distinction, Dean's List, Hofstra Property Law Journal

CORNELL UNIVERSITY, College of Arts and Sciences, Ithaca, New York A.B. in English, May 1984

Hofstra Property Law Journal

Author of numerous articles on bankruptcy and commercial law published in the Banking Law Journal; published in New York Law Journal

Former Member of Board of Editors of the Banking Law Journal

Frequent contributor and interviewee for local media including Newsday, Long Island Business News

Appeared on Local Channel 12 television program "At Issue" regarding trends in bankruptcy and bankruptcy reform legislation

Member, Cornell Club of Long Island and Volunteer for Cornell

Alumni Ambassador Network which provides assistance and information to high school students.

X. FEE STRUCTURE: Rate is \$350 per hour plus reimbursement of all out-of-pocket expenses.